United Nations CCPR/C/HTI/Q/1

International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial re\port of Haiti*

Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)

1. Given that the Covenant prevails over national legislation in the State party, please state whether its provisions have been invoked before, and applied by, the courts and administrative authorities. Where applicable, please provide examples of cases in which the Covenant has been invoked.

2. Please provide information on the functioning of the Office of the Ombudsman, including the resources allocated to it and the measures taken by the State party to implement the Office's recommendations in response to complaints or visits to places of detention.

3. Please indicate the status of the trial of Jean-Claude Duvalier and the measures taken by the State party to provide justice and grant redress and compensation to the victims of the serious human rights violations committed under the Duvalier regime. Please provide information on the work of the National Commission on Truth and Justice regarding the crimes committed between 1991 and 1994, and describe in detail the redress provided to the victims of these violations.

4. Please provide updated information on the work of the Interministerial Committee on Human Rights, in particular on the development of a national human rights plan.

Non-discrimination, equality between men and women (arts. 2, 3, 23 and 26)

5. Please list any areas of the public realm other than government service where the quota enshrined in the Constitution (art. 17.1) of at least 30 per cent of women at all levels of national life, particularly in the administration, is respected. Please describe additional efforts made to eradicate traditional stereotypes of women and the impact of current measures in that regard.

* Adopted by the Committee at its 110th session (10–28 March 2014).

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6. Please state to what extent equal rights in family relations, including in consensual unions (*plaçage*), are safeguarded. Please describe any additional efforts to combat the prevalence of gender inequality and gender-based discrimination and indicate how a reform of family law could enable compliance with the provisions of the Covenant.

7. Please describe measures taken to eliminate discrimination against persons with disabilities and against lesbians, gays, bisexuals and transgender (LGBT) persons.

Public emergency (art. 4)

8. Please indicate to what extent the suspension of constitutional guarantees (Constitution, art. 278) complies with article 4 of the Covenant and specify whether the State party suspended these guarantees during the period 2003–2004, considered "essentially a civil war" by the State party. Please provide information on the state of emergency declared on 31 October 2012, including its scope and those rights enshrined in the Covenant that were reportedly suspended.

Right to life (art. 6)

9. Please provide information on reported violations of the right to life, including extrajudicial executions by police, and on any investigations conducted, prosecutions launched, convictions handed down and penalties imposed on perpetrators and reparation awarded to victims.

10. Please provide information on progress in reducing infant and maternal mortality.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 3, 7 and 24)

11. Please provide information on the follow-up of torture allegations, any investigations conducted, prosecutions launched and penalties imposed on perpetrators, as well as on the measures taken to provide compensation and rehabilitation for victims. Please state whether the State party intends to make torture a criminal offence and describe how, under current legislation, it punishes torture and cruel, inhuman or degrading treatment or punishment and how it compensates victims.

12. Please provide information on the measures taken to combat domestic violence, especially spousal abuse, including the rape of women and girls. Please indicate the measures taken to encourage women and girl victims to file complaints and also provide information on any investigations conducted, prosecutions launched, convictions handed down and penalties imposed on perpetrators and any other measures taken for the protection and rehabilitation of victims. Please indicate whether the Act on preventing, punishing and eliminating violence against women has been promulgated and whether the State party plans to make rape an offence. Please describe the impact of the tripartite initiative known as the National Consultation on Violence against Women and the results of the National Plan for Combating Violence against Women (2006–2011).

13. Please specify whether corporal punishment is prohibited in all settings, including in the family.

Right to liberty and security of person (arts. 9 and 24)

14. Please explain the measures taken to curb arbitrary arrest and ensure that the relevant provisions of the Covenant and the Constitution are enforced. Please describe the actual effect of the measures taken by the State party to shorten the excessively long duration of detention, especially pretrial detention. Please state when the new habeas corpus law will be promulgated and what significant amendments will be made to reflect the Covenant in the new Criminal Code and Code of Criminal Procedure.

15. Please describe the measures taken to address issues relating to minors in conflict with the law, such as non-custodial sentences and the use of detention as a last resort. Please also describe efforts to bring detained children to justice as quickly as possible and any programmes for the rehabilitation and reintegration of minors.

Treatment of persons deprived of their liberty (art. 10)

16. Please describe the impact of the measures taken to reduce prison overcrowding and improve conditions of detention. Please indicate whether the State party intends to shut down the national penitentiary. Please specify the measures taken to provide detention centres with the financial and human resources needed to operate. Please provide information on the measures taken to separate minors from adults and convicted prisoners from those awaiting trial. Please clarify whether prisons have an independent and confidential mechanism for receiving prisoners' complaints. If so, please provide examples, specifying the number of complaints received and the steps taken to address them.

Elimination of slavery and servitude (arts. 8 and 24)

17. Please provide information on the measures taken to implement the 2003 Act prohibiting and eliminating all forms of abuse, violence and ill-treatment or inhuman treatment of children and banning the use of children under the age of 12 as domestic workers. Please also provide information on the measures taken to raise public awareness of the adverse effects of using child domestic workers (*restavek*) and on the impact of efforts to eliminate the use of children for domestic work and violence against such children.

18. Please provide information on facilities for the care and rehabilitation of trafficking victims. Please state whether the bill on combating trafficking in persons, especially women and children, has been adopted and enforced. In that connection, please provide information on the investigations conducted, prosecutions launched and penalties imposed on perpetrators as well as on the measures taken to rehabilitate and compensate victims. Please describe the extent of cross-border trafficking for the purpose of sexual exploitation or forced labour and the efforts to combat this phenomenon.

Imprisonment for non-payment of debts (art. 11)

19. Please respond to the allegations that the non-payment of a civil debt has on several occasions led to the arrest and detention of the individuals concerned.

Freedom of movement, right to recognition as a person before the law and right to privacy (arts. 12, 13, 16 and 17)

20. Please provide information on the additional measures taken by the State party to find lasting solutions for the displaced persons who have been living in camps since the earthquake of 2010 and to combat forced evictions, which are sometimes accompanied by violence.

21. Please provide information on the efforts to issue identity documents to those who lost theirs in the earthquake or who did not have any. Please provide updated information on the situation of Haitians forcibly repatriated to the State party and indicate the measures taken to facilitate their reintegration into society.

Independence of the judicial system, right to a fair trial (art. 14)

22. Please provide information on the progress of the reform of the justice system, the difficulties encountered and the steps taken to resolve them. Please provide further information about the project to rotate judges among some courts of first instance. Please describe any other measures taken to facilitate access to justice for low-income and non-French-speaking groups.

23. Please describe any additional efforts made, including in the framework of the reform of the justice system, to safeguard and strengthen the independence of the judiciary and to combat corruption and impunity. Please provide information on cases of judges being investigated, prosecuted or punished for corruption or abuse of power. In that connection, please provide information on the work of the High Council of the Judiciary and the judicial inspection process. Please indicate whether the vetting of police officers undertaken as part of anti-corruption efforts is effective and describe the means of redress available to officers who are relieved of their duties. Please describe the efforts undertaken to ensure that the Office of the Inspector-General of the National Police is functioning efficiently and independently, and in particular measures taken to ensure that the Office reports to the Minister of Justice rather than to the Director-General of the National Police.

Freedom of thought, conscience and religion (art. 18)

24. Please provide further information on the number of individuals arrested for having lynched or tried to lynch persons who practise voodoo, the penalties imposed and the reparation awarded to victims. Please describe other measures taken to prevent such acts and to combat discrimination on the grounds of religion. Please clarify whether all religious denominations can be registered without difficulty and recognized by the State party so as to be able to operate legally.

Freedom of opinion and expression (art. 19)

25. Please indicate the measures taken to safeguard the full enjoyment of the freedom of expression guaranteed by the Constitution, including to protect journalists from intimidation and violence and to protect citizens from being arrested or detained for expressing their political views. Please provide information on the investigations conducted, prosecutions launched and penalties imposed on those responsible for such acts. Please provide updated information on investigations into the murder of journalists, including that of Jean Dominique. Please provide detailed information on the legislation governing insults and defamation, giving examples of its application.

Freedom of assembly and association (arts. 21 and 22)

26. Please state whether investigations have been opened into cases of abuse and excessive use of force by law enforcement officials in dispersing demonstrators and, where applicable, the number of recorded deaths. Please provide information on the measures taken to protect human rights defenders, including those working on sexual violence and the rights of LGBT persons to be protected from intimidation, harassment and threats. In that connection, please describe the investigations conducted, prosecutions launched and penalties imposed on perpetrators, in particular in the case of the murder on 8 February 2014 of Daniel Dorsinvil and Girldy Larèche.

The rights of the child (art. 24)

27. Please provided updated information on the results of measures taken to regulate the adoption of children and prevent abuses that have occurred in the past, as well as information on the implementation of the Act on responsible paternity in respect of children living in single-parent families. Please describe the effect on birth registration of campaigns encouraging parents to register the birth of their children, especially in rural areas and camps for refugees and internally displaced persons, and of other measures such as the presence of civil registry officials in some hospitals.

Participation in public affairs (art. 25)

28. Please indicate the measures taken to eliminate the role of patronage in access to public services. Please provide information on the efforts undertaken to ensure that elections are open to all eligible political parties as well as updated information on the steps taken to ensure the proper functioning and effectiveness of the Permanent Electoral Council and its Transitional College. Please clarify to what extent the principle of gender parity, set out in the 2013 Electoral Act, is upheld in practice.

Dissemination of information relating to the Covenant (art. 2)

29. Please provide information on measures taken to disseminate information on the Covenant, specifying whether it has been translated into Creole. Please also provide more detailed information on the participation of representatives of civil society, NGOs and the Office of the Ombudsman in the preparation of the initial report (CCPR/C/HTI/1).